

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
11535

Total Pages in this Submission  
3

### TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I**

and invented by:

**Michael Wayne Graham**  
**Robert Norman Rice**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 50 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets                      28
- b. ☐ Informal                      Number of Sheets                      \_\_\_\_\_
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class                      ☒ Express Mail *(Specify Label No.):* EM469616800US

09100812 051998

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## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☒ Additional Enclosures (please identify below):

Submission of Claim of Priority (in due course)

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	33	- 20 =	13	x \$22.00	\$286.00
Indep. Claims	33	- 3 =	30	x \$82.00	\$2,460.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$790.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$3,536.00

- ☒ A check in the amount of \$3,536.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 19-1013 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: June 19, 1998

Leopold Presser  
Registration No.: 19,827

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Michael Wayne Graham, et al.**

Docket No.

**11535**

Serial No.

Unassigned

Filing Date

Herewith

Examiner

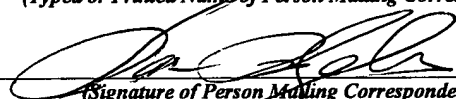
Group Art Unit

USPTO  
09/10/98

06/19/98

Invention: **SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I**I hereby certify that this **New Patent Application***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on **June 19, 1998***(Date)***Karen DeSalvo***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EM469616800US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael Wayne Graham, et al. Docket: 11535

Serial No.: Unassigned

Dated: June 19, 1998

Filed: Herewith

For: SYNTHETIC GENES AND GENETIC CONSTRUCTS  
COMPRISING SAME I

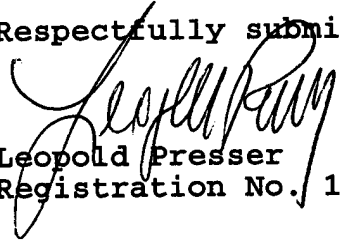
Assistant Commissioner for Patents  
Washington, DC 20231

CLAIM OF PRIORITY

Sir:

Applicant(s) in the above-identified application hereby claim(s) the right of priority in connection with Title 35 U.S.C. §119 and in support thereof will submit in due course a certified copy of Australian Patent Application No. PP2492 filed March 20, 1998.

Respectfully submitted,

  
Leopold Presser  
Registration No. 19,827

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530  
(516) 742-4343

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number: EM469616800US  
Date of Deposit: June 19, 1998

I hereby certify that this New Patent Application and Fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.